

REMARKS/ARGUMENTS

Claims 1-5, 7-14, and 16-22 are now pending in this application. Claims 1 and 10 are Independent claims. Claims 1 and 10 have been amended. Claim 23-31 have been withdrawn.

Claim Rejections – 35 USC § 103(a)

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Elazar in view of Parks et al., USPN: 7,146,504 (hereinafter: Parks). (Pending Office Action, Page 4). Applicant respectfully traverses these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all* the claim limitations.” (emphasis added) (MPEP § 2143). “If an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious.” (emphasis added) *In re Fine*, 837 F. 2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988). Applicant points out that Independent Claim 10 recites elements which have not been disclosed, taught or suggested by any of the above-cited references of the present invention, either alone or in combination.

Independent Claims 1 and 10 generally recite the following:

“said buried nucleus including at least one matrix multiplier.”

The buried nucleus of the present invention includes a matrix multiplier. (Present Application, Page 12, Paragraph 0039). The Patent Office cites paragraph 0034 of Elazar as teaching the above-referenced elements of the present invention. (Pending Office Action, Page 6). However, Applicant points out that the term “matrix multiplier” does not appear anywhere in the cited portion of Elazar. Also, it is unclear what element in paragraph 0034 of Elazar is being classified by the Patent Office as being equivalent to a matrix multiplier. Further, nowhere in Elazar or Parks is a buried nucleus which includes

a matrix multiplier either disclosed, taught, or suggested. Nowhere in any of the above-cited references, either alone or in combination, are the above-referenced elements of Independent Claims 1 and 10 taught, disclosed or suggested. Therefore, a prima facie case of obviousness has not been established for Independent Claims 1 and 10 of the present application. Thus, Independent Claims 1 and 10 should be allowed. Further, Dependent Claims 2-5 and 7-9 (which depend on Independent Claim 1 and Dependent Claims 11-14 and 16-22 (which depend on Independent Claim 10) should also be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the pending claims is earnestly solicited.

Respectfully submitted on behalf of

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